

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:23-cv-00148-GCM**

CHRISTOPHER M. LOVILL,)
)
 Plaintiff,)
)
 vs.)
)
 FNU TORRES, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s unsigned “Motion for appointment of person to take Deposition.” [Doc. 32].

Pro se Plaintiff Christopher M. Lovill (“Plaintiff”) is a prisoner of the State of North Carolina currently incarcerated at Alexander Correctional Institution (“Alexander”) in Taylorsville, North Carolina. On September 18, 2023, Plaintiff filed this action pursuant to 42 U.S.C. § 1983 against Defendants FNU Torres and FNU Trivette. [Doc. 1]. Plaintiff’s Eighth Amendment excessive force claim passed initial review. [Doc. 8]. Defendants answered Plaintiff’s Complaint [Doc. 21], and on March 8, 2024, the Court entered a Pretrial Order and Case Management Plan, setting the discovery deadline as July 5, 2024 [Doc. 22]. On Defendants’ motions, the Court has twice extended the discovery and dispositive motions deadlines in this case. [Docs. 25, 27; 6/24/2024 & 7/29/2024 Text Orders]. The extended discovery deadline in this case expired on October 4, 2024. [See 7/29/2024 Text Order].

Now pending is Plaintiff’s motion for the Court to appoint someone to conduct a deposition in this matter, which he dated October 15, 2024. [Doc. 32]. Plaintiff asks the Court to appoint “FNU Tucker,” a notary public employed at Alexander, to take the deposition of

Plaintiff's physical therapist, Nicole Ford. [Id. at 1]. Plaintiff states that Ms. Tucker has no interest in this action and that the parties have stipulated pursuant to Rule 29 that she may take the requested deposition. [Id.]. Plaintiff submits a list of seven questions for the deposition, including questions regarding the cause of Plaintiff's injuries, Plaintiff's pain level, and certain aspects of Plaintiff's care and treatment. [Id. at 2-3].

The Court will strike Plaintiff's improper, unsigned motion. See Fed. R. Civ. P. 11(a); Doc. 19 at 2 (cautioning Plaintiff that further improper filings in this matter may be summarily stricken). Moreover, the deadline to conduct discovery in this matter has expired and Plaintiff failed to move to extend the scheduling order deadlines in this case. The Court, therefore, would have denied Plaintiff's motion in any event.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [Doc. 32] is hereby **STRICKEN** from the record in this matter.

IT IS SO ORDERED.

Signed: October 24, 2024



Graham C. Mullen
United States District Judge

